

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In re: BRIDGESTONE/FIRESTONE, INC.,)	Master File No. IP 00-9374-C-B/S
TIRES PRODUCTS LIABILITY)	MDL No. 1373
LITIGATION)	(centralized before Hon. Sarah Evans
)	Barker, Judge)
)	
GREGG PERR, et al., Plaintiffs,)	
v.)	Individual Case No. IP 01-5304-C-B/S
BRIDGESTONE/FIRESTONE, INC.,)	
Defendant.)	
)	

AWARD OF ATTORNEY FEES AND COSTS

This matter is before the Court on Plaintiffs' Petition for Attorney Fees and Costs ("Petition"), filed by the plaintiffs as a result of the Court's Order of April 14, 2003, which awarded them their fees and costs incurred as a result of the defendant's removal of the above cases, as provided by 28 U.S.C. § 1447(c).

The plaintiffs support their Petition with the affidavits of the two attorneys who prepared the remand papers in this case. Each affidavit contains only a brief, cursory statement of the total time spent on these tasks and the attorney's hourly rate. No contemporaneous time records have been provided, and this court cannot determine when or how much time was spent on these various tasks. This failing is particularly significant because defendant Bridgestone/Firestone North American Tire, LLC's ("Firestone")

opposition to the Petition demonstrates that most of the papers prepared by plaintiffs' counsel in this case are substantially similar to papers they had already filed in connection with several other class actions they were prosecuting against Firestone. Although our local rules gave the plaintiffs an opportunity to reply, and in particular here, to offer additional substantiation for the fees they seek, they did not do so. The Court will therefore determine the fees and costs reasonably incurred on the basis of the parties' submissions, including Firestone's unrefuted opposition, and on the basis of the Court's prior experience with similar motions.¹

Having considered these matters, the Court hereby awards the plaintiffs five thousand dollars (\$5000.00) in fees and one hundred forty-eight dollars and seventy-three cents (\$148.73) in costs,² to be paid by the defendant on or before December 18, 2003.

It is so ORDERED this ____ day of November, 2003.

SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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¹In particular, the Court relies on its review of other petitions filed in connection with similar remand motions that involved counsels' updating and adapting papers that had been previously filed in other cases.

²This is the actual amount of costs sought by the plaintiffs.

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